

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION AT DAYTON

LUNA LATOYA BEY, <i>et al.</i> ,	:	Case No. 3:21-cv-207
	:	
Plaintiffs,	:	
	:	
vs.	:	District Judge Walter H. Rice
	:	Magistrate Judge Peter B. Silvain, Jr.
	:	
DANIELLE MARIE BARNES, <i>et al.</i> ,	:	
	:	
Defendant.	:	
	:	

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**REPORT AND RECOMMENDATIONS<sup>1</sup>**

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On September 7, 2021, the undersigned ordered *pro se* Plaintiffs to show cause, in writing and within 14 days from the entry of that Order, as to why they should be permitted to proceed in this case *in forma pauperis*. (Doc. #5). In lieu of showing cause, Plaintiffs were informed that they could, instead, pay the required \$402.00 filing fee with the Clerk of Court. *Id.* Finally, Plaintiffs were notified that failure to show cause or pay the required filing fee as directed may result in a dismissal of the case for failure to prosecute. *Id.* Plaintiffs have neither responded to the Court's Order nor paid the required filing fee, and the time for doing so has now expired. Accordingly, the undersigned recommends this case be dismissed for failure to prosecute. *See* Fed. R. Civ. P. 41(b); *see also Link v. Wabash R.R. Co.*, 370 U.S. 626, 630-31 (1962).

**IT IS THEREFORE RECOMMENDED THAT:**

1. The case be **DISMISSED WITHOUT PREJUDICE** pursuant to Fed. R. Civ. P. 41(b) for failure to prosecute; and
2. The case be terminated on the Court's docket.

September 22, 2021

*s/Peter B. Silvain, Jr.*

Peter B. Silvain, Jr.

United States Magistrate Judge

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<sup>1</sup> Attached is a NOTICE to the parties regarding objections to this Report and Recommendations.

### NOTICE REGARDING OBJECTIONS

Pursuant to Fed. R. Civ. P. 72(b), any party may serve and file specific, written objections to the proposed findings and recommendations within **FOURTEEN** days after being served with this Report and Recommendations. Such objections shall specify the portions of the Report objected to and shall be accompanied by a memorandum of law in support of the objections. If the Report and Recommendations is based in whole or in part upon matters occurring of record at an oral hearing, the objecting party shall promptly arrange for the transcription of the record, or such portions of it as all parties may agree upon or the Magistrate Judge deems sufficient, unless the assigned District Judge otherwise directs. A party may respond to another party's objections within **FOURTEEN** days after being served with a copy thereof.

Failure to make objections in accordance with this procedure may forfeit rights on appeal. *See Thomas v. Arn*, 474 U.S. 140 (1985); *United States v. Walters*, 638 F.2d 947, 949-50 (6th Cir. 1981).